

**BAKER BOTTS L.L.P.**

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*Counsel for Defendants*  
*Chicago Bridge & Iron Company N.V.,*  
*Philip Asherman, Ron Ballschmiede and*  
*Westley Stockton*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE CHICAGO BRIDGE & IRON	)	<b>CASE NO. 1:17-CV-1580</b>  Hon. Lorna Schofield
COMPANY N.V. SECURITIES	)	
LITIGATION	)	
	)	

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'  
MOTION IN LIMINE NO. 14**

Defendants Chicago Bridge & Iron Co. N.V., Philip K. Asherman, Ronald A. Ballschmiede, and Westley S. Stockton submit this Memorandum of Law in support of their Motion *in Limine* No. 14 to preclude any document, tangible thing, report, model, data compilation, or similar product provided to, reviewed by, or prepared by or for an expert that has not been produced to Defendants, as well as any new expert opinions that were not timely disclosed.

An expert is required to provide a written report that contains “(i) a complete statement of all opinions the witness will express, (ii) the facts or data considered by the witness in forming

them; [and] (iii) any exhibits that will be used to summarize or support them.” FED. R. CIV. P. 26(a)(2)(B). If a party fails to make a disclosure required under 26(a), “the party is not allowed to use that information or witness ... at trial, unless the failure was substantially justified or is harmless.” FED. R. CIV. P. 37(c)(1).

Dated: December 13, 2021

Respectfully submitted,

**BAKER BOTTS L.L.P.**

By: /s/ David D. Sterling

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